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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 HALLIS R. SISCO,

12 Petitioner,

13 v.

14 STANISLAUS COUNTY SHERIFF'S  
15 DEPARTMENT,

16 Respondent.  
17

No. 2:20-cv-01078 GGH P

ORDER

18 Petitioner, a county inmate at Stanislaus County Jail, has filed a motion for compassionate  
19 release. ECF No. 1. No other pleadings have been filed by the petitioner.

20 In order to commence a federal habeas action, petitioner must file a petition for writ of  
21 habeas corpus as required by Rule 3 of the Rules Governing Section 2254 cases, and petitioner  
22 must either pay the required filing fee or file an application requesting leave to proceed in forma  
23 pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). A petition for habeas corpus involves an attack on  
24 petitioner's *conviction* for which he is being held in custody, and petitioner must seek release  
25 from his conviction because of a violation of the Constitution of the United States, or in the very  
26 infrequent case, a federal law, which applies to the state proceedings. While the court may deal  
27 with ancillary matters to the petition, it is absolutely necessary that the purpose of the petition  
28 must be its focus on the proceedings in which petitioner was convicted.

1 The court will not issue any orders granting or denying relief until an action has been  
2 properly commenced. For the purpose of preparing the petition, the court advises petitioner that a  
3 federal statute relating to release of federal prisoners, i.e., persons convicted in federal court as  
4 opposed to state court, does not state a claim relating to a state court conviction.

5 Therefore, petitioner's motion for compassionate release will be denied without prejudice.  
6 Petitioner will be provided the opportunity to file his petition, and to submit an application  
7 requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

8 In accordance with the above, IT IS HEREBY ORDERED that:

9 1. Petitioner's motion for compassionate release (ECF No. 1) is denied without  
10 prejudice;

11 2. Petitioner is granted thirty days from the date of service of this order to file a petition  
12 that complies with the requirements of the Rules Governing Section 2254 Cases, the Federal  
13 Rules of Civil Procedure, and the Local Rules of Practice; the petition must bear the docket  
14 number assigned this case; and petitioner must file an original and two copies of the petition;

15 3. Petitioner shall also submit, within thirty days from the date of this order, the  
16 application to proceed in forma pauperis on the form provided by the Clerk of Court, or the filing  
17 fee in the amount of \$5.00;

18 4. The Clerk of the Court is directed to send petitioner the court's form for filing a  
19 petition for writ of habeas corpus, and the application to proceed in forma pauperis by a prisoner;  
20 and

21 5. Petitioner's failure to comply with this order will result in a recommendation that this  
22 matter be dismissed.

23 Dated: June 15, 2020

24 /s/ Gregory G. Hollows  
25 UNITED STATES MAGISTRATE JUDGE  
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